

**CIVIL EMERGENCY PROCLAMATION AND EXECUTIVE ORDER
EXTENDING AND AMENDING SAFER AT HOME DIRECTIVE AND CLOSURE OF
NON-ESSENTIAL SERVICES AND BUSINESSES**

BY MAYOR JIM STRICKLAND, CITY OF MEMPHIS

No. 10-2020

WHEREAS, Coronavirus Disease 2019 (“COVID-19”) is a communicable respiratory disease that can lead to serious illness or death, particularly in the case of elderly adults and persons with serious chronic medical conditions; and

WHEREAS, on January 21, 2020, following the guidance of Centers for Disease Control and Prevention, the Tennessee Department of Health designated COVID-19 as a reportable disease in Tennessee; and

WHEREAS, on March 11, 2020, the World Health Organization declared the COVID-19 outbreak a global pandemic; and

WHEREAS, on March 12, 2020, the Governor for the State of Tennessee issued an Executive Order to facilitate the treatment and containment of COVID-19, pursuant to Tennessee Code Annotated § 58-2-107(e)(1); and

WHEREAS, on March 13, 2020, the President of the United States declared a national state of emergency in response to the COVID-19 pandemic; and

WHEREAS, on March 17, 2020, I declared a state of emergency for the City of Memphis, pursuant to Tennessee Code Annotated § 38-9-101 et seq. and § 58-2-101 et seq. and City of Memphis Code §§ 9-8-4 and 2-58-7 in response to the COVID-19 pandemic; and

WHEREAS, pursuant to the authority invested in the Mayor under Tennessee Code Annotated § 38-9-101, et seq. and City of Memphis Code §9-24, et seq., the Mayor may proclaim in writing the existence of a civil emergency, as defined therein; and

WHEREAS, after proclamation of a civil emergency, the Mayor, in the interest of public safety and welfare, may make all orders necessary for the protection of life and property, including but not limited to, the closure of certain establishments; and

WHEREAS, on March 19, 2020, the Governor for the State of Tennessee issued Executive No. 15 and declared that “a state of emergency and major disaster exists to facilitate the response to COVID-19”; and

WHEREAS, on March 19, 2020, pursuant to the authority invested in the Mayor under Tennessee Code Annotated § 38-9-101, et seq. and City of Memphis Code §9-24, et seq., I issued Civil Emergency Proclamation and Executive Order No. 01-2020 closing restaurants and bars for on-site consumption as well as closing gyms and exercise facilities; and

WHEREAS, on March 21, 2020, I issued Civil Emergency Proclamation and Executive Order No. 02-2020, providing for the additional closures of entertainment and recreational establishments; and

WHEREAS, on March 22, 2020, the Governor of the State of Tennessee issued Executive Order No. 17, temporarily suspending select state laws and limiting social gatherings, dine-in service, gym use, exposure to nursing and retirement homes, and adjusting state law regarding the sale of alcohol in restaurants; and

WHEREAS, on March 23, 2020, pursuant to Tennessee Code Annotated § 38-9-101, et seq. and City of Memphis Code §9-24, et seq., I issued Civil Emergency Proclamation and Executive Order No. 03-2020 closing non-essential business and directing residents to stay at their place of residence unless for purposes otherwise allowed thereunder (“Safer at Home Order”); and

WHEREAS, on March 25, 2020, the Shelby County Health Department issued a Formal Health Directive directing all residents to shelter in place unless for purposes otherwise allowed thereunder as well as closing non-essential businesses (“Health Directive”). The Health Directive states it shall remain in force until such time that the Shelby County Health Department determines that the disease is no longer a threat to the public but shall expire after thirty (30) days unless otherwise extended; and

WHEREAS, on March 30, 2020, the Governor of the State of Tennessee issued Executive Order No. 22 closing non-essential businesses and urging residents to stay at their place of residence unless for purposes otherwise allowed thereunder; and

WHEREAS, on April 2, 2020, the Governor of the State of Tennessee issued Executive Order No. 23 that required residents to stay at their place of residence unless for purposes otherwise allowed thereunder; and

WHEREAS, on April 4, 2020, the Shelby County Health Department issued a Formal Health Directive No. 2 to remain in force until such time that the Shelby County Health Department determines that COVID-19 is no longer a threat to the public but shall expire after thirty (30) days unless otherwise extended; and

WHEREAS, on April 6, 2020, I issued Civil Emergency Proclamation and Executive Order No. 06-2020 amending the Safer at Home Order and extending it to April 21, 2020; and

WHEREAS, as of April 21, 2020, the Shelby County Health Department has reported 1,857 confirmed cases of COVID-19 in Shelby County, 39 deaths caused by COVID-19, and that workplace and community transmission is occurring; and

WHEREAS, as of April 21, 2020, there were at least 7,238 confirmed positive COVID-19 tests reported in the state of Tennessee; and

WHEREAS, COVID-19 remains a major disaster and continues to present a severe danger to public health. The rapid increase in transmission of COVID-19 necessitates the extension of the Safer at Home Order.

NOW, THEREFORE, I, JIM STRICKLAND, MAYOR OF THE CITY OF MEMPHIS, by virtue of the powers vested in me, do hereby proclaim that a civil and health emergency continues to exist in the City of Memphis, Tennessee, and I hereby extend the Safer at Home Order to **May 5, 2020** and direct as follows:

1. Safer at Home. All individuals currently living within the City are required to stay at their place of residence unless engaged in Essential Activities as outlined in this Order. For purposes of this Order, residences include, but are not limited to, hotels, motels, shared rental units, and similar facilities. To the extent individuals are using shared or outdoor spaces, they must at all times as reasonably possible maintain social distancing of at least six feet from any other person when they are outside their residence. All persons may leave their residences only for Essential Activities, Essential Governmental Functions, or to operate Essential Businesses as defined in this Order. Individuals experiencing homelessness are exempt from this section, but are strongly urged to seek safe shelter, and governmental and other entities are strongly urged to make such shelter available as soon as possible and to the maximum extent practicable (and to use COVID-19 risk mitigation practices in their operation). Individuals whose residences are unsafe or become unsafe, such as

victims of domestic violence, are permitted and urged to leave their home and stay at a safe alternative location.

2. Travel Restrictions. All travel, including, but not limited to, travel on foot, bicycle, scooter, motorcycle, automobile, railway, or public transit, except Essential Travel and travel for Essential Activities as defined in this Order, is prohibited. People must use public transit only for purposes of performing Essential Activities or to travel to and from work to operate Essential Businesses or maintain Essential Governmental Functions. People riding on public transit must comply with Social Distancing Requirements as defined in this Order, to the greatest extent feasible. This Order allows travel into or out of the City to perform Essential Activities, operate Essential Businesses, or maintain Essential Governmental Functions.
3. Mass Gatherings Prohibited. All public and private gatherings of more than ten people occurring outside a single household or living unit are prohibited, except for the limited purposes as expressly permitted by this Order. Nothing in this Order prohibits the gathering of members of a household or living unit.
4. Closure of Non-Essential Businesses. All businesses with a facility in the City, except Essential Businesses as defined in this Order, are required to cease all activities at facilities located within the City except Minimum Basic Operations, as defined in this Order. For clarity, businesses may continue operations consisting exclusively of employees or contractors performing activities at their own residences (i.e., working from home). All Essential Businesses are strongly encouraged to remain open. To the greatest extent feasible, Essential Businesses shall comply with Social Distancing Requirements as defined in this Order, including by maintaining six-foot social distancing for both employees and members of the public, including, but not limited to, when any customers are standing in line.
5. Essential Activities. For purposes of this Order, individuals may leave their residence only to perform any of the following “Essential Activities.”
 - i. To engage in activities or perform tasks essential to their health and safety, or to the health and safety of their family or household members (including, but not limited to, pets), such as, by way of example only and without limitation, obtaining medical supplies or medication, visiting a health care professional, or obtaining supplies they need to work from home.
 - ii. To obtain necessary services or supplies for themselves and their family or household members, or to deliver those services or supplies to others.
 - iii. To engage in outdoor activity, provided the individuals comply with Social Distancing Requirements as defined in this Order, such as, by way of example and without limitation, walking, hiking, dog walking, or running. Outdoor activities are subject to the following limitations:
 - a. Outdoor activity at parks and other open spaces must be in conformance with the Social Distancing Requirements as well as any restrictions on access and use by the City to reduce crowding and risk of transmission of COVID-19. Such restrictions may include restricting the number of entrants, closing the area to vehicular access and parking, or closure to all public access.
 - b. Use of recreational areas with high-touch equipment or that encourage gathering, including but not limited to, playgrounds, picnic areas, and outside gym equipment, is prohibited outside of residences and all areas shall be closed to public access.

- c. Golf courses may operate, subject to implementation and in compliance with social distancing and other required COVID-19 compliant golf-related protocols. The required protocols shall include, but are not limited to, closure of clubhouses except for limited operations, eliminating any shared touch equipment, and requiring appointments for all tee times to ensure distancing.
- iv. To perform work providing essential products and services at an Essential Business or to otherwise carry out activities specifically permitted in this Order, including Minimum Basic Operations.
- v. To perform payroll and other critical administrative functions for any business, including businesses not defined as essential.
- vi. To care for a family member or pet in another household.
- vii. To attend manage and coordinate funeral and/or burial services or to attend funeral and/or burial services with no more than 10 individuals physically present.

However, people at high risk of severe illness from COVID-19 and people who are sick are urged to stay in their residence to the extent possible except as necessary to seek medical care.

6. Essential Businesses. For the purposes of this Order, “Essential Businesses” means:

- i. Healthcare Operations and Essential Infrastructure as defined in this Order;
- ii. Grocery and beverage stores, certified farmers’ markets, farm and produce stands, supermarkets, food banks, convenience stores, catering, and other similar establishments. This includes stores that sell groceries and also sell other non-grocery products and products necessary to maintaining the safety, sanitation, and essential operation of residences;
- iii. Food cultivation, including farming, livestock, and fishing;
- iv. Businesses that provide food, shelter, and social services, and other necessities of life for economically disadvantaged or otherwise needy individuals;
- v. Newspapers, television, radio, and other media services;
- vi. Gas stations, auto-supply, auto-repair and related facilities, and fully automated carwashes (however, any ancillary functions of the automated carwash, such as vacuum stations, must be closed and are prohibited);
- vii. Banks and related financial institutions;
- viii. Hardware stores (which shall mean stores whose primary purpose and offering is tools, hardware, building materials and other similar items used in construction), commercial and residential construction and repair businesses, and facility design businesses;
- ix. Insurance businesses and services;
- x. Plumbers, electricians, exterminators, cleaning and janitorial services, property management, and other service providers who provide services that are necessary to maintaining the safety, sanitation, and essential operation of residences, Essential Activities, and Essential Businesses;
- xi. Mailing, shipping, transportation logistics (including freight rail and railways), and parcel delivery businesses;

- xii. Laundromats, dry cleaners, and laundry service providers;
- xiii. Businesses whose primary purpose and offering is electronic, cell phone, and internet retail;
- xiv. Restaurants and other facilities that prepare and serve food, but only for delivery or carry out. Schools and other entities that typically provide free food services to students or members of the public may continue to do so under this Order on the condition that the food is provided to students or members of the public on a pick-up and take-away basis only. Schools and other entities that provide food services under this exemption shall not permit the food to be eaten at the site where it is provided, or at any other gathering site. All employees serving or preparing food and employees with frequent interaction with the public (such as cashiers) must wear a face mask or facial covering;
- xv. Manufacturing companies, distributors, and supply chain companies producing, storing, shipping, and supplying essential products and services in and for industries such as pharmaceutical, technology, biotechnology, healthcare, medical supplies, shipping and paper supplies, hygiene, appliances, chemicals, sanitation, waste pickup and disposal, agriculture, food and beverage, transportation, energy, steel and steel products, petroleum and fuel, mining, construction, national defense, communications, as well as products used for the operation of other Essential Businesses. For the purpose of this exception, products and services for and in industries that are not otherwise identified in this provision constitute non-essential goods and services. This exception is not applicable to any manufacturing company, distributor, and supply chain company that produces, stores, ships, or otherwise supplies such non-essential goods and services, including such non-essential goods and services provided to an Essential Business for the purpose of retail sale by said Essential Business. In addition, this provision does not apply to a retail business that may sell products manufactured or distributed by any company subject to this provision. Retail businesses must be defined, and must operate accordingly, as a separate Essential Business as set for in this Order;
- xvi. Businesses that supply other Essential Businesses with the support or supplies necessary to operate but only to the extent that they support or supply these Essential Businesses. This exception shall not be used as a basis for engaging in sales to the public from retail storefronts or otherwise unless authorized by this Order pursuant to an applicable exemption. In addition, this exception does not apply to any business that provides products to an Essential Business for purpose of retail sale by said Essential Business;
- xvii. Businesses that provide goods or services exclusively through curbside service and pick-up, drive-thru, shipment or delivery. This shall include any business that did not previously provide goods or services in this manner as of March 24, 2020, but develops a procedure to provide its goods and services in this manner. For example, floral shops, beauty supply stores and furniture stores may operate under the Order if and only if they exclusively provide curb-side service and/or delivery for customers. Such businesses shall ensure compliance with Social Distancing Requirements as defined in this Order, including by maintaining six-foot social distancing for both employees and members of the public, including, but not limited to, when any customers are waiting in line;
- xviii. Transportation services including buses, airlines, taxis, railways, and other private transportation providers (such as Uber and Lyft) providing transportation services necessary for Essential Activities and other purposes expressly authorized in this Order;
- xix. Home-based care for seniors, adults, or children, people with developmental disabilities, intellectual disabilities, substance use disorders, and/or mental illness;

- xx. Residential facilities and shelters for seniors, adults, children, people with developmental disabilities, intellectual disabilities, substance use disorders, and/or mental illness;
- xxi. Professional services, such as legal or accounting services, when necessary to assist in compliance with legally mandated activities;
- xxii. Childcare and daycare facilities, prioritizing services to employees of businesses exempted in this Order to work as permitted. Daycare and childcare facilities must use Social Distancing and COVID-19 risk mitigation practices in their operations, and urged to have no more than ten people in the facility;
- xxiii. Hotels and motels, to the extent used for lodging and delivery or carry-out food services;
- xxiv. Funeral homes, crematoriums, mortuary and burial services;
- xxv. Private waste removal and recycling services;
- xxvi. Blood donor operations; and
- xxvii. Any other business or service that the Mayor determines is essential for the safety and public health of the City.

The purpose and offering of a business on or before March 24, 2020 shall be the basis for determining whether the business provides essential services as defined above.

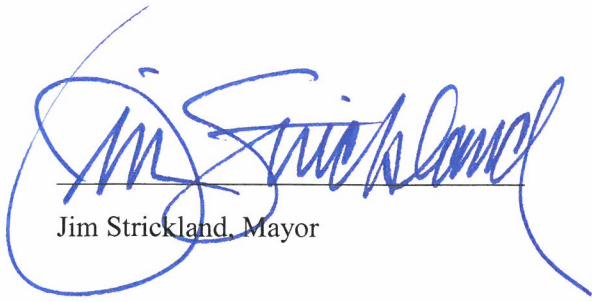
7. Essential Travel. For the purposes of this Order, “Essential Travel” includes travel for any of the following purposes:
 - i. Any travel related to the provision of (including employees traveling to work) or access to Essential Activities, Essential Governmental Functions, Essential Businesses, or Minimum Basic Operations.
 - ii. Travel to care for elderly, minors, dependents, persons with disabilities, or other vulnerable persons.
 - iii. Travel to or from educational institutions for purposes of receiving materials for distance learning, for receiving meals, and any other related services.
 - iv. Travel to return to a place of residence from outside the jurisdiction.
 - v. Travel required by law enforcement or court order.
 - vi. Travel required for non-residents to return to their place of residence outside the City. Individuals are strongly encouraged to verify that their transportation out of the City remains available and functional prior to commencing such travel.
8. Healthcare Operations. For purposes of this Order, individuals may leave their residence to work for or obtain services at any “Healthcare Operations” including hospitals, clinics, dentists, pharmacies, pharmaceutical and biotechnology companies, medical supply companies, other healthcare facilities, healthcare suppliers, home healthcare services providers, mental health providers, or any related and/or ancillary healthcare services. “Healthcare Operations” also includes veterinary care, healthcare services, and shelter services provided to animals. This exemption shall be construed broadly to avoid any impacts to the delivery of healthcare, broadly defined. “Healthcare Operations” does not include fitness and exercise gyms and similar facilities.
9. Essential Infrastructure. For purposes of this Order, individuals may leave their residence to provide any services or perform any work necessary to the operations and maintenance of “Essential Infrastructure,” including, but not limited to, public works construction, construction of housing (in particular affordable housing or housing for individuals experiencing homelessness),

airport operations, water, sewer, gas, electrical, oil refining, roads and highways, public transportation, solid waste collection and removal, grass mowing, internet, and telecommunications systems (including the provision of essential global, national, and local infrastructure for computing services, business infrastructure, communications, and web-based services), provided that they carry out those services or that work in compliance with Social Distancing Requirements as defined this Order, to the extent possible.

10. Essential Governmental Functions. For purposes of this Order, all first responders, emergency management personnel, emergency dispatchers, court personnel, law enforcement personnel, as well as and local, state and federal agencies located within City limits are categorically exempt from this Order. Further, nothing in this Order shall prohibit any individual from performing or accessing Essential Governmental Functions. “Essential Governmental Functions” means all services needed to ensure the continuing operation of the government agencies and provide for the health, safety and welfare of the public as determined by the Mayor of the City of Memphis, even if not explicitly described herein. All Essential Governmental Functions shall be performed in compliance with Social Distancing Requirements as defined this Order, to the extent possible. Employees of the City of Memphis shall follow all current and future directives and orders issued by the Mayor of the City of Memphis that are specifically directed to City employees.
11. Minimum Basic Operations. For the purposes of this Order, “Minimum Basic Operations” include the following, provided that employees comply with Social Distancing Requirements as defined this Order, to the extent possible, while carrying out such operations:
 - i. The minimum necessary activities to maintain the value of the business’s inventory, ensure security, process payroll and employee benefits, or for related functions.
 - ii. The minimum necessary activities to facilitate employees of the business being able to continue to work remotely from their residences.
12. Social Distancing Requirements. All businesses and activities, including those that are designated as Essential under this Order, are required to practice Social Distancing. For purposes of this order Social Distancing Requirements refers to the guidelines issued by the Shelby County Health Department and CDC for COVID-19 prevention measures, which includes: screening of employees for symptoms; maintaining at least six-foot social distancing from other individuals; washing hands with soap and water for at least twenty seconds as frequently as possible or using hand sanitizer; covering coughs or sneezes (into the sleeve or elbow, not hands); regularly cleaning high-touch surfaces; not shaking hands; and wearing facial coverings when in public. Individuals are strongly urged to wear facial coverings or masks when engaging with or entering an Essential Business.
13. COVID-19 Compliant Protocol for Big Box Retailers Subject to Grocery and Hardware Exemptions. All big box retailers exempt as an Essential Business pursuant to the grocery store provision set forth in Paragraph 6(ii) above or hardware store exception set forth in Paragraph 6(viii) above shall prepare and implement no later than 6:00 a.m. on Friday, April 24, 2020 a COVID-19 Compliant Protocol. This requirement also extends to big box retail pharmacies that are exempt as an Essential Business pursuant to the healthcare exception set forth in Paragraph 6(i) above. The COVID-19 Compliant Protocol must include the following:
 - a. Limiting the number of people who can enter each facility at any one time to ensure that people in the facility can easily maintain a minimum six-foot distance from one another at all times, except as to complete a necessary business activity such as payment or delivering goods and services. However, a facility must be at no more than 50% building capacity at all times. This capacity requirement includes employees,

- vendors, and members of the public. An employee should be posted at each entrance to ensure the maximum number of customers in facility is not exceeded;
- b. Indicating where lines may form as a facility, marking six-foot increments at a minimum, establishing where individuals must stand to maintain adequate social distancing;
 - c. Providing hand sanitizer, soap and water, or some other effective disinfectant at or near the entrance of the facility and in other appropriate areas for use by the public and employees, and in locations where there are high-frequency employee interactions with the public such as cashiers;
 - d. Frequently disinfecting all payment portals, pens and styluses and any other high-touch surfaces, such as carts and baskets;
 - e. Frequently disinfecting work areas, break rooms, bathrooms, and other common areas;
 - f. Requiring all employees to wear a facial covering while working in areas open to the public;
 - g. Posting a sign at the entrance of the facility informing all employees and customers that they should (1) avoid entering the facility if they have a cough or fever; (2) maintain a minimum six-foot distance from one another; (3) cover coughs and sneezes (into sleeve or elbow, not hands); (4) minimize touching products and surfaces in the facility as much as possible; and (5) avoid unnecessary physical contact. The posted sign must also include the limit for the number of people in the store at any one time as outlined in subsection (a) above; and
 - h. Providing at least one hour of controlled access to customers who are age 55 and older, pregnant, or have serious underlying medical conditions. This requirement is not applicable to beverage stores, convenience stores, and similar establishments. Limited access is intended to protect vulnerable populations from additional or unnecessary risk of contracting COVID-19. The hour(s) for controlled access to said customers shall be conspicuously posted at the facility.
14. For the purposes of this Order, covered businesses include any for-profit, non-profit, or educational entities, regardless of the nature of the service, the function it performs, or its corporate or entity structure.
15. Citizens using City parks are required to adhere to the Social Distancing Requirements. However, all City baseball, softball, and soccer fields, basketball courts, dog parks, skateboard parks, and playground equipment are closed.
16. The Memphis Police Department and other City and Shelby County officials are authorized to enforce this Order and close those businesses within the City of Memphis in violation of this Order.
17. A determination that any provision of this Order is invalid will not affect the enforceability of any other provision of this Order. The remaining provisions shall remain in full force and effect. Any invalid provision will be modified to the extent necessary for enforceability.
18. This Order shall remain in effect until May 5, 2020, unless otherwise extended in the best interest of public health and safety.
19. This Safer at Home Order shall supersede the directives of Executive Order No. 06-2020.

Upon signature, this Order shall become effective immediately on April 21, 2020.



Jim Strickland, Mayor

Executed this 21st day of April, 2020